

RETURN DATE: OCTOBER 22, 2019 : SUPERIOR COURT
ORLANDO MARCANO : JUDICIAL DISTRICT OF
V. : NEW HAVEN AT NEW HAVEN
MARK VENDETTO, et al : SEPTEMBER 18, 2019

COMPLAINT

COUNT ONE: TORTIOUS INTERFERENCE WITH EMPLOYMENT

RELATIONSHIP AGAINST MARK VENDETTO

1. At all times mentioned herein, the plaintiff, Orlando Marcano, is a resident of the State of Connecticut and an Assistant Chief of Administration (the number two person within the Fire Department chain of command), with the New Haven Fire Department and is not a member of the local Firefighter's Union.
2. At all times mentioned herein, Mark Vendetto, (hereinafter referred to as "the defendant Vendetto,") is the Assistant Chief of Operation (the number three person within the Fire Department chain of command) of the New Haven Fire Department and a resident of the State of Connecticut.
3. At all times mentioned herein, the defendant Vendetto (was until 01/01/19) the Secretary of the local Firefighter's Union.
4. The plaintiff is at all times mentioned herein a "confidential employee;" a member of a Municipal Department who cannot be a member of a relevant Union in order

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to be the Department Head's "right hand man"/confidante regarding sensitive matters between the Department and the relevant Union(s).

5. On or about April 21, 2017 the defendant Vendetto was sworn in as Assistant Chief of Operation for the New Haven Fire Department. The defendant Vendetto attended the plaintiff's swearing in ceremony and knew of his employment relationship with the City of New Haven.
6. On or about May 16, 2017 the defendant Vendetto accused the plaintiff of "cheating," "having an unfair advantage," "a conflict of interest" and/or "unethical behavior" on the New Haven Civil Service promotional examination for Battalion Chief due to the plaintiff's prior work as an "Assessor" for the private company that administers Municipal promotional examinations for the New Haven Fire Department.
7. On or about January 9, 2018 the defendant Vendetto accused the plaintiff of denying job assignments and/or transfers although the Fire Chief was responsible for the aforementioned denials.
8. On or about January 23, 2018 the defendant Vendetto met with the plaintiff and the Fire Chief to discuss the plaintiff's concerns about the Department but before the meeting could begin, the defendant Vendetto demanded witnesses be present at the meeting and the Fire Chief terminated the meeting. The defendant Vendetto had a "meltdown" and shouted "this is all due to cronyism!"
9. On or about July 11, 2108 both defendant Vendetto and defendant Ricci, during a Union meeting, stated to the Union membership that the plaintiff Marcano and

the defendant Vendetto are "equal" and "there is no number two or number three," or words to that effect.

10. On or about August 23, 2018 the defendant Vendetto appeared in a photograph with the defendant Ricci on a Twitter account belonging to (Ricci) a Union member wherein the post claimed, "The Union holds Assistant Chief Marcano accountable for money lost due to uniforms." In fact, the Fire Chief had approved the expenditure of Fire Department uniform budget funds to be used for the Mayor's staff which, because the defendant Vendetto was the Assistant Chief of Operation, the defendant Vendetto knew or should have known. The defendant Vendetto was deliberately indifferent to the truth or falsity of the Twitter post wherein he appeared. The defendant Vendetto took no steps to correct the Twitter post or have it removed from the Union member's Twitter page.
11. On or about September 4, 2018, the defendant Vendetto stated to Union members "We're going to do [the plaintiff Marcano] what we did to [former Chief Ralph Black]."
12. Former Fire Chief Ralph Black resigned early from the New Haven Fire Department after negative and/or embarrassing local news reports, articles and/or publicity about him.
13. At all times relevant herein, upon information and belief, the defendant Vendetto would schedule meetings for himself, the plaintiff Marcano and the Fire Chief but the plaintiff would not receive the memoranda specifying the correct time, date and place of the meeting if the plaintiff received any memorandum at all.

14. On or about October 19, 2018 the defendant Vendetto blamed the plaintiff for not moving forward with promotions within the Department.
15. On or about October 20, 2017 and on other dates, all three defendants, Vendetto, Poindexter and Ricci, were photographed together at social functions for Municipal Unions.
16. Said actions on the part of the defendant Vendetto were not within the scope of his employment and were designed to make the plaintiff appear incompetent, ineffective and undesirable for promotion and such actions were performed in bad faith, and/or with malice, and/or an abuse of his authority and/or an abuse of his discretion and/or an intent to injure the plaintiff by interfering with his employment relationship with the City of New Haven.
18. The defendant Vendetto is sued in his individual capacity.
19. As a result of the defendant Vendetto's acts and/or omissions, the plaintiff has suffered damages.

**COUNT TWO: WRONGFUL INTRUSION UPON THE PLAINTIFF'S SECLUSION
AGAINST CHERLYN POINDEXTER**

1. At all times mentioned herein, the plaintiff, Orlando Marcano, is a resident of the State of Connecticut and an Assistant Fire Chief, with the New Haven Fire Department and is not a member of the local Firefighter's Union.
2. At all times mentioned herein, Cherlyn Poindexter, (hereinafter referred to as "the defendant Poindexter,") was an Administrative Assistant in the Office of the

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Headquarters of the New Haven Fire Department where the plaintiff Marcano and the defendant Vendetto worked and the defendant Poindexter is a resident of the State of Connecticut.

3. At all times mentioned herein, the defendant Poindexter was the President of the Municipal Clerical Workers' Union.
4. The plaintiff is at all times mentioned herein a "confidential employee;" a member of a Municipal Department who cannot be a member of a relevant Union in order to be the Department head's "right hand man"/confidante regarding sensitive matters between the Department and the relevant Union(s).
5. On or about October 24, 2018 the defendant Poindexter unreasonably and wrongfully publicized an audio recording she acquired of the plaintiff having a telephone conversation which occurred on or about April 30, 2018. The defendant Poindexter gave copies of the audio recording to the State of Connecticut Department of Labor Arbitrators, the New Haven Board of Aldermen and the local newspapers ran stories about the details of the conversation.
6. During the aforementioned telephone conversation, the plaintiff was in his office, with the door closed and having a private conversation on his personal cell phone wherein the plaintiff made statements and offered opinions regarding his personal feelings and thoughts. The plaintiff had a reasonable expectation of privacy while in his office with the door closed while talking on his personal cell phone and the plaintiff had a reasonable expectation that the conversation would not be intercepted and recorded through unknown means.

7. Upon information and belief, the defendant Poindexter wrongfully electronically eavesdropped with the aid of illegal wiretaps, microphones or other instrumentalities of spying upon the plaintiff Marcano without the plaintiff's knowledge and consent. We cannot prove this.
8. Upon information and belief, the defendant Poindexter gained unwarranted access to the plaintiff's office and through the use of the aforementioned instrumentalities of spying, was able to penetrate the physical and/or sensory privacy of the plaintiff's office to obtain and record data about the plaintiff when all others were unable to access the same data.
9. Upon information and belief, the Federal Bureau of Investigation commenced an investigation into the illegal surveillance and electronic recording upon the plaintiff by the defendant Poindexter.
10. On or about October 29, 2018 the defendant Poindexter retired from Municipal employment.
11. Upon information and belief, if the defendant Poindexter was found guilty of illegal wiretap or eavesdropping while employed by the City of New Haven, she would forfeit her pension and benefits.
12. Said actions on the part of the defendant Poindexter were not within the scope of her employment and were performed in bad faith, and/or with malice, and/or an abuse of her authority and/or an abuse of her discretion and/or an intent to injure the plaintiff.
13. The defendant Poindexter is sued in her individual capacity.

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14. As a result of the defendant Poindexter's acts and/or omissions, the plaintiff has suffered damages.

COUNT THREE: AIDING AND ABETTING AGAINST CHERLYN POINDEXTER

1. At all times mentioned herein, the plaintiff, Orlando Marcano, is a resident of the State of Connecticut and an Assistant Fire Chief, with the New Haven Fire Department and is not a member of the local Firefighter's Union.
2. At all times mentioned herein, Cherlyn Poindexter, (hereinafter referred to as "the defendant Poindexter,") was an Administrative Assistant in the office of the Headquarters of the New Haven Fire Department where the plaintiff Marcano and the defendant Vendetto worked and the defendant Poindexter is a resident of the State of Connecticut.
3. At all times mentioned herein, the defendant Poindexter was the President of the Municipal Clerical Workers' Union.
4. The plaintiff is at all times mentioned herein a "confidential employee;" a member of a Municipal Department who cannot be a member of a relevant Union in order to be the Department head's "right hand man"/confidante regarding sensitive matters between the Department and the relevant Union(s).
5. Paragraphs 5 through and including 8 of Count Two are incorporated herein as paragraphs 6 through and including 9 of Count Three.
9. Said wrongful actions on the part of the defendant Poindexter were not within the scope of her employment and were performed with knowledge of her role as part

of an overall illegal or tortious activity with an intent to aid, abet, facilitate, provide substantial assistance to or in furtherance of the acts of the defendants Vendetto and Ricci in their tortious interference with the plaintiff's employment relationship with the City of New Haven. In the alternative, said actions on the part of the defendant Poindexter were performed with reckless indifference to the possibility that her aforementioned assistance would aid the defendants Vendetto and Ricci in carrying out their tortious interference with the plaintiff's employment relationship with the City of New Haven.

10. The defendant Poindexter is sued in her individual capacity.
11. As a result of the defendant Poindexter's acts and/or omissions, the plaintiff has suffered damages.

COUNT FOUR: TORTIOUS INTERFERENCE WITH EMPLOYMENT
RELATIONSHIP AGAINST FRANK RICCI

1. At all times mentioned herein, the plaintiff, Orlando Marcano, is a resident of the State of Connecticut and an Assistant Chief for Administration, with the New Haven Fire Department and is not a member of the local Firefighter's Union.
2. At all times mentioned herein, Frank Ricci, (hereinafter referred to as "the defendant Ricci,") is just a member of the New Haven Fire Department, a subordinate to the plaintiff and a resident of the State of Connecticut.
3. At all times mentioned herein, the defendant Ricci is the President of the local Firefighter's Union.

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4. The plaintiff is at all times mentioned herein a "confidential employee;" a member of a Municipal Department who cannot be a member of a relevant Union in order to be the Department head's "right hand man"/confidante regarding sensitive matters between the Department and the relevant Union(s).
5. On or about May 16, 2017 the defendant Ricci accused the plaintiff of "cheating," "having an unfair advantage," "a conflict of interest" and/or "unethical behavior" on the New Haven Civil Service promotional examination for Battalion Chief due to the plaintiff's prior work as an "Assessor" for the private company that administers Municipal promotional examinations for the New Haven Fire Department.
6. On or about June 30, 2017 the defendant Ricci said to the plaintiff Marcano that "the number two job [Assistant Chief of Administration] is shared;" "I'm formidable, you should be afraid" or words to that effect.
7. On or about July 3, 2017 the plaintiff was sworn in as the Assistant Chief of Administration for the New Haven Fire Department. The defendant Ricci attended the plaintiff swearing in ceremony and knew of the employment relationship between the plaintiff and the City of New Haven. The defendant Ricci had previously said to the plaintiff "I've gotten people fired or made them resign" or words to that effect.
8. On or about July 11, 2018 both defendant Vendetto and defendant Ricci, during a Union meeting, stated to the Union membership that the plaintiff Marcano and

the defendant Vendetto are "equal" and "there is no number two or number three," or words to that effect.

9. On or about September 2, 2017 the defendant Ricci, under the auspices of his Office as President of the local Firefighters Union, either file or threatened to file an Administrative Complaint known as a "Municipal Prohibited Practice" (MPP) with the State of Connecticut against the plaintiff Marcano.

10. The defendant Ricci, under the auspices of his office as President of the local Firefighters Union, filed at least 9 grievances against the plaintiff, including:

(Date)	(Subject Matter of Grievance)	(Status)
825-17-40	Union Charity: Sickle Cell	Deal made
825-17-41	Hierarchy Chain of Command	Withdrawn after 2 years
825-17-42	Uniforms	Deal made
825-17-46	Stolen Valor	No ruling
825-17-47	Union ICS	No ruling
825-17-48	FMLA	Withdrawn
825-17-49a	Union Firehouse Visit	No ruling
825-17-50	Pink Cancer Shirts	Withdrawn
825-18-50	Mayor's Uniform Purchase	

11. On or about October 11, 2017 the defendant Ricci publicly blamed the plaintiff for not resolving the Grievances of two Firefighters quickly enough.

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12. On or about October 20, 2017 and on other dates, all three defendants, Vendetto, Poindexter and Ricci, were photographed together at social functions for Municipal Unions.
13. On or about November 30, 2017 the defendant Ricci said to the plaintiff "I have the media I can use as a baseball bat" or words to that effect.
14. On or about August 23, 2018 the defendant Ricci appeared in a photograph with the defendant Vendetto on a Twitter account belonging to Ricci wherein the post claimed, "The Union holds Assistant Chief Marcano accountable for money lost due to uniforms." In fact, the Fire Chief had approved the expenditure of fire Department uniform budget Funds to be used for the Mayor's staff. The defendant Ricci was deliberately indifferent to the truth or falsity of the Twitter post wherein he appeared. The defendant Ricci took no steps to correct the Twitter post or have it removed from the Twitter page.
15. On or about September 28, 2018, the defendant Ricci, at a Union meeting, said to the Union membership "We are going to do to the [plaintiff Marcano] the same thing we did to Ralph Black" or words to that effect.
16. On or about September 17, 2018, the defendant Ricci released a press release to the effect that the plaintiff went on a "spending spree for City Hall staffers."
17. Former Fire Chief Ralph Black resigned from the New Haven Fire Department after negative and/or embarrassing local news reports, articles and/or publicity about him.

18. On or about October 9, 2018 the defendant Ricci publicly accused the plaintiff Marcano of mishandling two female Firefighters and hostile work environment incidents.
19. Said actions on the part of the defendant Ricci were performed to embarrass the plaintiff, make the plaintiff appear incompetent, ineffective and undesirable for promotion so that the defendant Ricci's friend and other Union officer, the defendant Vendetto would be promoted to Fire Chief.
20. Said actions on the part of the defendant Ricci were not within the scope of his employment, nor were they performed within the scope of his office as the Union President and they were performed in bad faith, and/or with malice, and/or an abuse of his authority and/or an abuse of his discretion and/or an intent to injure the plaintiff by interfering with his employment relationship with the City of New Haven.
21. The defendant Ricci is sued in his individual capacity.
22. As a result of the defendant Ricci's acts and/or omissions, the plaintiff has suffered damages.

COUNT FIVE: NEGLIGENT SUPERVISION AGAINST JOHN ALSTON

1. At all times mentioned herein, the plaintiff, Orlando Marcano, is a resident of the State of Connecticut and an Assistant Chief for Administration, with the New Haven Fire Department and is not a member of the local Firefighter's Union.

2. At all times mentioned herein, the defendant John A. Alston, Jr., is a Connecticut resident, the Fire Chief of the New Haven Fire Department, and the Supervisor of the plaintiff and the defendants Vendetto and Ricci.
3. The duties and job requirements for the defendant Alston's position as Fire Chief, promulgated as "M0993" within the New Haven Fire Department, provide in pertinent part:

"Direct responsibilities include management and direction of all fire Department personnel; general administration and financial management, as well as efficient operation of the Department," and

"The Fire Chief supervises and directs all personnel in the Department."

4. On or about August 4, 2017 the plaintiff and the defendant Alston discussed the comments made by the defendant Vendetto regarding that there was no such thing as the #2 and the #3 in the chain of command.
5. On or about August 25, 2017 the defendant Ricci, a subordinate to the plaintiff, yelled at the plaintiff in the presence of the defendant Alston, saying "Who do you think you are? You're nobody!" The defendant Alston took no action and told the plaintiff to take no action.
6. On or about October 21, 2017 the defendant Ricci accused the plaintiff of being a liar regarding a Grievance filed. The defendant Alston heard the accusation and did nothing.

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7. On or about January 9, 2018 the defendant Vendetto blamed the plaintiff for denying job assignments and transfers. The defendant Alston did nothing. The defendant Alston was responsible for the denial of assignments and transfers.
8. On or about January 22, 2108 the plaintiff informed the defendant Alston that the defendant Vendetto manipulated transfers without authorization. The defendant Alston scheduled a meeting but later cancelled it.
9. On or about August 21, 2018 the plaintiff and the defendant Alston had scheduled a meeting to discuss the Union meddling in the Department and undermining the plaintiff as Assistant Chief of Administration. The defendant Alston never showed up for the meeting.
10. On or about August 23, 2018 the defendant Ricci appeared in a photograph with the defendant Vendetto on a Twitter account belonging to Ricci a Union member wherein the post claimed, "The Union holds Assistant Chief Marcano accountable for money lost due to uniforms." In fact, the defendant Alston had approved the expenditure of fire Department uniform budget funds to be used for the Mayor's staff.
11. On or about August 29, 2019 the defendant Alston told the plaintiff that he was being "too pure in being offended by Ricci coming after him in the media." The defendant Alston does nothing about the media attacks against the plaintiff nor does the defendant Alston set the record straight with the Union.
12. On or about September 9, 2018 the defendant Alston stated that he would meet with the Board of Fire Commissioners and set the record straight regarding the

uniform issue. The defendant Alston did not meet with the Board of Fire Commissioners but instead submitted a written report that did not mention the uniform issue.

13. On or about September 9, 2018, the defendant Ricci sent an email the defendant Alston and the Mayor of New Haven to complain about the plaintiff's alleged mishandling of an incident regarding hostile work environment. The defendant Alston did nothing.
14. On or about September 17, 2018 the defendant Ricci issued a press release wrongfully accusing the plaintiff of a "spending spree" to buy staff members at City Hall uniforms. The defendant Alston ordered the plaintiff to "stay silent and do nothing." The defendant Alston remained silent and did nothing as well.
15. On or about October 19, 2018 the defendant Vendetto blamed the plaintiff for not moving forward with promotions. The defendant Alston told the plaintiff that he, Alston, would talk to the defendant Vendetto but never did.
16. On or about October 23, 2018 the defendant Vendetto criticized the plaintiff and the defendant Alston regarding the issue of promotions. The defendant Alston stated that he would speak to the defendant Vendetto but never did.
17. On or about December 19, 2018, the defendant Alston commented to others in the Department about the plaintiff, saying "he [the plaintiff] is always crying."
18. On or about February 20, 2019, the defendant Alston began excluding the plaintiff from meetings which related to the plaintiff's performance of his duties.

19. As a result of the misconduct of the defendants Ricci, Vendetto and Poindexter, the plaintiff's ability to perform his job was undermined and interfered with and the plaintiff suffered damages.
20. The defendant Alston had a duty to supervise the personnel in the fire Department that were interfering with the plaintiff's performance of his duties as well as his employment relationship with the City of New Haven.
21. The defendant Alston breached the aforementioned duty to supervise the defendants Vendetto, Ricci and Poindexter;
22. The defendant Alston, during the course of misconduct alleged in Counts One, Two, Three and Four, of the defendants Vendetto, Ricci and Poindexter, became aware of problems and misconduct regarding the aforementioned defendants that indicated a lack of fitness for the positions they held, that the unfitness was likely to cause the sort of harm incurred by the plaintiff, and that the defendant Alston failed to take action to prevent the harm suffered by the plaintiff;
23. The defendant Alston's breach of the aforementioned duty was the cause of the plaintiff's injury and damages;
24. The plaintiff was an identifiable and foreseeable victim of the defendant Alston's acts and/or omissions;
25. The defendant Alston knew or should have known that his acts and/or omissions would subject the plaintiff to imminent harm;
26. The defendant Alston, knowing what he knew or what the defendant Alston

should have known from the reports by and conversations with the plaintiff, should have anticipated that the harm of the general nature of that suffered by the plaintiff, was likely to result by the defendant Alston's acts and/or omissions;

27. The defendant Alston's acts and/or omissions were not undertaken in good faith;

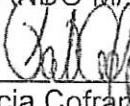
and

28. In this Count, the defendant Alston is being sued in his individual capacity.

WHEREFORE, the plaintiff Marcano claims Judgment against the defendants as follows:

- a. Compensatory damages for Counts One, Two, Three, Four and Five, pursuant to common law principles, in an amount the Court shall consider to be just, reasonable and fair;
- b. Punitive damages for Counts One, Two, Three and Four, pursuant to common law principles, attorney's fees and the costs of this action; and
- c. Such other and further relief as in law or equity appertain.

THE PLAINTIFF,
ORLANDO MARCANO,

BY: 
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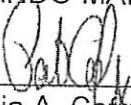
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STATEMENT OF AMOUNT IN DEMAND

The plaintiff claims damages in excess of Fifteen Thousand Dollars (\$15,000.00),
exclusive of interest and costs.

THE PLAINTIFF,
ORLANDO MARCANO

BY: 

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